



2874/19
JFW

A-9001D
PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

David GERDT et al.

Appln. No.: 10/082,290

Group Art Unit: 2874

Filed: February 26, 2002

Examiner: J. Kang

For: SENSING APPARATUS EMPLOYING VARIABLE COUPLER
FIBEROPTIC SENSOR

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responding to the Office Action mailed July 20, 2004, a Terminal Disclaimer is filed herewith to overcome the double patenting rejection and to expedite the allowance of this application. The filing of this Terminal Disclaimer is not intended to reflect agreement with the basis of the rejection.

The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and has not been requested separately, such extension is hereby requested.

Respectfully submitted,

10/21/2004-RFEKADU1-00000016-501165-10082290-

01 FC:1814 110.00 DA

MWS:lmb
Miles & Stockbridge P.C.
1751 Pinnacle Drive
Suite 500
McLean, Virginia 22102
(703) 903-9000
October 20, 2004

By: Mitchell W. Shapiro
Mitchell W. Shapiro
Reg. No. 31,568



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TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The owner, Empirical Technologies Corporation, of the entire interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. § 154 to § 156 and § 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,463,187. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date

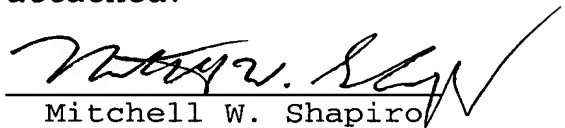
of the full statutory term as defined in 35 U.S.C. § 154 to § 156 and § 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney of record.

A check for \$110.00 in payment of Terminal Disclaimer fee under 37 C.F.R. § 1.20(d) is attached.

October 20, 2004
Date

By:


Mitchell W. Shapiro
Reg. No. 31,568

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